



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M-42758-2025(O&M)
Date of Decision: September 23, 2025**

Mohammad Samiulla

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: - Mr.Ketan Chopra, Advocate for the petitioner.
(through VC)

Mr.Amit Shukla, DAG, Punjab.

RUPINDERJIT CHAHAL, J.

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.60 dated 26.04.2024 registered under Sections 379-B(2) and 411 read with Section 34 of the Indian Penal Code, at Police Station Meharban, District Ludhiana.
2. Brief facts of the prosecution case are that the FIR was lodged on the statement of Udey Pratap-complainant, who alleged that on 26.04.2024 the petitioner and his accomplice entered into his shop, caused him injuries and snatched his mobile phone. The petitioner was caught on



the spot by public, while co-accused managed to flee.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He contends that the petitioner is not known to co-accused. The alleged injuries on the person of the complainant are declared to be blunt in nature. The petitioner is behind bars since 26.04.2024 and the trial is not making any headway. Moreover, the petitioner has clean antecedents as he is not involved in any other case. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel, has vehemently opposed the prayer for bail by submitting that the offence committed by the petitioner is serious in nature. Referring to the status report, he has submitted that the iron rod, used in commission of crime, was recovered from the petitioner. However, he has not controverted the facts that out of nine prosecution witnesses none has been examined, and further that petitioner is first time offender as he is not involved in any other case.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last about 1 year 5 months and the trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. Keeping the petitioner in further detention without the prospect of

the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

6. Reliance is placed upon in *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131*, wherein, Hon’ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

7. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

September 23, 2025

(RUPINDERJIT CHAHAL)
JUDGE

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Whether Speaking / Reasoned	Yes / No
Whether Reportable	Yes / No